



CITY OF **UPLAND**  
"The City of Gracious Living"

MEETING OF THE CITY COUNCIL

*Agenda*

Bill Velto, Mayor

Carlos A. Garcia, Mayor Pro Tem - District 3

James Breitling, Councilmember - District 2

Shannan Maust, Councilmember - District 1

Rudy Zuniga, Councilmember - District 4

Michael Blay, City Manager

Stephen P. Deitsch, City Attorney

Keri Johnson, City Clerk

**Monday, November 27, 2023**

**Open session begins at 7:00 p.m.**

**City Council Chamber**

**City Hall, 460 N. Euclid Avenue**

Residents may observe the City Council meetings remotely via [livestream](#) on the City website, Spectrum Cable TV Channel 3, or Frontier Cable TV Channel 26.

1. **CALL TO ORDER AND ROLL CALL**
2. **ADDITIONS-DELETIONS TO AGENDA**
3. **ORAL COMMUNICATIONS**

This is a time for any citizen to comment on item listed on the closed session agenda only. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than three (3) minutes. The use of visual aids will be included in the time limit.

**CLOSED SESSION BEGINS AT 5:00 p.m.**

4. **CLOSED SESSION**
  - a. **CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Case Name: Jeannette Vagnozzi v. City of Upland

San Bernardino County Superior Court of California Case No.CIVSB2122496
  - b. **CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: In re: Aqueous Film-Forming Foams Products Liability Litigation, Case No. 2:18-mn-2873-RMG
  - c. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Government Code Section 54957

Title: City Manager

d. CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS

Government Code Section 54957.6

City Designated Representatives: Mayor Bill Velto and City Attorney Stephen Deitsch

Unrepresented Employee: City Manager

5. INVOCATION

Deacon Richard Simpson, St. Anthony's Catholic Church

6. PLEDGE OF ALLEGIANCE

7. PRESENTATIONS

Presentation on the 2023 Hometown Holiday Parade & Faire

8. CITY ATTORNEY

9. ORAL COMMUNICATIONS

This is a time for any citizen to comment on any item listed or not listed on the agenda. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than three (3) minutes. Speakers will be given five (5) minutes during public hearings. The use of visual aids will be included in the time limit. Public comments and questions for the purpose of hearing current matters of concern in our community and to provide citizens a method for the public to hear those concerns in an open venue is encouraged. However, under the provisions of the Brown Act, the City Council is prohibited from discussion of items not listed on the agenda, and therefore, the City Council, City Manager, or City Attorney will take communications under advisement for consideration and appropriate response or discussion at a later time.

Individuals who demonstrate disruptive conduct during City Council meetings that prevent the City Council from conducting its meeting in an orderly manner are guilty of a misdemeanor as stated in PC403, disrupting a public meeting, and are subject to removal from the chamber or arrest.

10. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the legislative body request specific items be removed from the Consent Calendar for separate action.

**Recommended Action:**

Approve the Consent Calendar

a. APPROVAL OF MINUTES

**Recommended Action:**

Approve the Regular Meeting Minutes of November 13, 2023. (Staff Person: Keri Johnson)

b. 2ND READING OF ORDINANCE NO. 1983 IMPLEMENTING SENATE BILL 998  
DISCONTINUATION OF RESIDENTIAL WATER SERVICE POLICY

**Recommended Action:**

Hold second reading by title only, waive further reading, and adopt Ordinance No. 1983 repealing and replacing Chapters 13.12.030 through 13.12.100 and Chapter 34 of Title 13 of the Upland Municipal Code relative to the implementation of the City's Senate Bill 998 Policy

on Discontinuation of Water Service Due to Nonpayment. (Staff Person: Stephen Parker)

- c. CONSIDER APPROVAL OF AN AGREEMENT WITH KEENAN & ASSOCIATES AS THE CITY'S THIRD-PARTY ADMINISTRATOR FOR THE WORKERS' COMPENSATION PROGRAM

**CEQA:** Not a Project

**Recommended Action:**

Approve a professional services agreement with Keenan & Associates to serve as the City's Third-Party Administrator for the Workers' Compensation Program for the period of January 1, 2024 through June 30, 2026; and authorize the City Manager to execute the agreement. (Staff Person: Stephen Parker)

- d. CONSIDER ADOPTING A RESOLUTION AMENDING THE ADMINISTRATIVE CITATION FINE SCHEDULE

**CEQA:** Not a Project

**Recommended Action:**

Adopt a Resolution amending the administrative citation fine schedule by adding an administrative fine for violation of the Upland Municipal Code section 13.12.060(B). (Staff Person: Stephen Parker)

- e. CONSIDER APPROVAL OF PROCUREMENT OF CONCRETE TABLES FOR CITY PARKS AND THE APPROPRIATION OF ARPA FUNDS

**CEQA:** Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301

**Recommended Action:**

Approve the procurement of concrete tables from Outdoor Creations, Inc. in the amount of \$116,973.40; approve the appropriation of \$123,000 in unbudgeted ARPA funds to make the purchase; and authorize the City Manager to execute any necessary documents to complete the purchase. (Staff Person: Stephen Parker)

- f. CONSIDER ADOPTING A RESOLUTION AMENDING THE CITY'S WATER SHUTOFF POLICY

**CEQA:** Not a Project

**Recommended Action:**

Adopt a Resolution amending the City's written policy regarding Discontinuation of Residential Water Service Due to Nonpayment (Water Shutoff Policy). (Staff Person: Stephen Parker)

- g. RESOLUTION OF INTENTION TO SELL PROPERTY AT THE SOUTHWEST CORNER OF WASHINGTON BLVD. AND SIXTH AVENUE (APN 1046-433-25) AND SET PUBLIC HEARING DATE

**CEQA:** Not a Project

**Recommended Action:**

Adopt a Resolution of Intention finding that public interest and convenience require the sale of certain real property, declaring its intent to sell such property, setting a public hearing date for consideration of protests, and finding that the same does not constitute a "project" and is not subject to review under the California Environmental Quality Act. (Staff Person: Robert Dalquest)

- h. CONSIDER APPROVAL OF AN AGREEMENT WITH MICHAEL BAKER INTERNATIONAL, INC. TO COMPLETE THE 2021-2029 6TH CYCLE HOUSING ELEMENT UPDATE

**CEQA:** Not a Project.

**Recommended Action:**

Approve the professional services agreement with Michael Baker International, Inc. in the amount of \$78,000 to complete the 2021-2029 6th Cycle Housing Element Update, pursuant to State Planning and Zoning Law; and authorize the City Manager to execute the agreement. (Staff Person: Robert Dalquest)

- i. CONSIDER APPROVAL OF TRACT MAP 20519 AND SUBDIVISION AGREEMENT, LOCATED AT 1400 ARROW HIGHWAY

**CEQA:** An Initial Study and Mitigated Negative Declaration was prepared pursuant to Sections 15063(c) and 15070 of the California Environmental Quality Act Guidelines. A Mitigation Monitoring Program has also been prepared to ensure implementation of, and compliance with, the mitigation measures for the Project

**Recommended Action:**

Approve Tract Map 20519 for recordation and authorize the City Manager to sign the subdivision agreement. (Staff Person: Braden Yu)

- j. TREASURER'S REPORT OCTOBER 2023

**CEQA:** Not a Project.

**Recommended Action:**

Receive and file the October 2023 Treasurer's Report. (Staff Person: Stephen Parker)

**11. PUBLIC HEARINGS**

**12. COUNCIL COMMITTEE REPORTS**

- a. COUNCIL REPORTS ON REGIONAL COMMITTEE MEETING, TRAINING, OR CONFERENCE ATTENDANCE

Councilmembers will provide oral reports on any meetings, trainings, or conferences they attended on behalf of the City. This item is for information only.

**13. BUSINESS ITEMS**

- a. CONSIDER REAL PROPERTY PURCHASE OF 650 DIAMOND COURT

**CEQA:** Categorically exempt.

**Recommended Action:**

Approve the proposed purchase and sale agreement for real property acquisition and rehabilitation of 650 Diamond Court, Upland and if approved, authorize the City Manager to execute all related documents to effectuate the acquisition and rehabilitation of the property. (Staff Person: Robert Dalquest)

**14. COUNCIL COMMUNICATIONS**

**15. CITY MANAGER**

**16. ADJOURNMENT**

The City Council will adjourn in memory of Bob Waggoner, Upland resident. The next regularly scheduled City Council meeting is Monday, December 11, 2023.

NOTE: If you challenge the public hearing(s) or the related environmental determinations in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Upland, at, or prior to, the public hearing.

All Agenda items and back-up materials are available for public review at the Upland Public Library, downstairs reference desk at 450 North Euclid Avenue, the City Clerk's Office at 460 North Euclid Avenue and the City website at [www.uplandca.gov](http://www.uplandca.gov).

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office, 909-931-4120. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

On November 22, 2023 a true and correct copy of this agenda was posted on the bulletin boards at 450 N. Euclid Avenue (Upland Public Library) and 460 N. Euclid Avenue (Upland City Hall) and the City website at [www.uplandca.gov](http://www.uplandca.gov)